

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

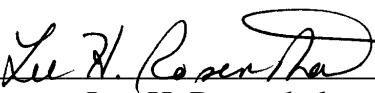
Broadcast Music, Inc., *et al.*, §
§
Plaintiff, §
§
VS. § CIVIL ACTION NO. H-09-0391
§
§
Vandmark Investments, LLC, *et al.*, §
§
Defendants. §

ORDER OF PENDING DISMISSAL

This action was filed on February 10, 2009. Two of the defendants appear to have been served, one on February 17, 2009 and one on March 2, 2009, but have not answered within 20 days, as required by Rule 12(a), Fed. R. Civ. P. Over 60 days have passed from the date an answer was due without any action by the plaintiff. The plaintiff must file proof of service as to the remaining defendants, and the appropriate motion as to the served defendants, no later than June 12, 2009. Failure to do so may lead to dismissal, without prejudice.

The pretrial conference set for May 29, 2009 is canceled. It will be reset if appropriate after the service and answer issues are addressed.

SIGNED on May 22, 2009, at Houston, Texas.



Lee H. Rosenthal
United States District Judge